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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TEN BRIDGES, LLC,

11 Plaintiff,

12 v.

13 MIDAS MULLIGAN, LLC, et al.,

14 Defendants.

CASE NO. C19-1237JLR

ORDER GRANTING MOTION
FOR LEAVE TO FILE A
SECOND AMENDED
COMPLAINT

15 Before the court is Plaintiff Ten Bridges, LLC's ("Ten Bridges") motion to allow
16 leave to file a second amended complaint. (Mot. (Dkt. # 42).) Defendants Midas
17 Mulligan, LLC, Madrona Lisa, LLC, and Danielle Gore (collectively, "Defendants")
18 have not responded to Ten Bridges's motion. (*See* Reply (Dkt. # 45), *see generally* Dkt.)
19 The court has reviewed the motion, the relevant portions of the record, and the applicable
20 law. Being fully advised, the court GRANTS Ten Bridges's motion.

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I. BACKGROUND

In addition to generally amending its factual allegations, Ten Bridges now seeks to add an additional defendant and additional claims. Ten Bridges seeks to add Matthew A. Toth as a defendant based on information it learned in discovery. (Mot. at 2-3; *see* Fig Decl. (Dkt. # 43) ¶¶ 2-6; Prop. 2d Am. Compl. (Dkt. # 42 at 4-22) ¶ 7.) In addition, Ten Bridges’s proposed second amended complaint adds second counts under its claims for tortious interference with business relationships against both Madrona Lisa, LLC and Midas Mulligan, LLC (Prop. 2d Am. Compl. ¶¶ 45-49, 56-60), and claims for tortious interference with business relationships against Mr. Toth and Defendant Danielle Gore (*id.* ¶¶ 61-70).

II. ANALYSIS

When the court’s deadline for filing amended pleadings has not passed, the proper standard for considering a motion to amend a complaint is provided by Federal Rule of Civil Procedure 15(a). *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir. 1992)). Rule 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2).

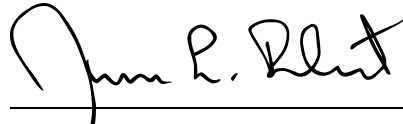
Here, Rule 15(a) applies because Ten Bridges filed its motion prior to the September 30, 2020 deadline for amending pleadings. (*See* Sched. Ord. (Dkt. # 41).) Because Defendants have not filed papers in opposition to Ten Bridges’s motion, the court concludes pursuant to its Local Rules that Defendants have admitted that the motion has merit. Local Rules W.D. Wash LCR 7(b)(2) (“Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure

1 may be considered by the court as an admission that the motion has merit.”). Therefore,
2 mindful of Rule 15(a)(2)’s admonition to “freely give leave to amend when justice so
3 requires,” the court grants Ten Bridges’s motion for leave to file a second amended
4 complaint.

5 **III. CONCLUSION**

6 For the foregoing reasons, the court GRANTS Ten Bridges’s motion to allow
7 leave to file a second amended complaint. (Mot. (Dkt. # 42).) Ten Bridges shall file its
8 second amended complaint by no later than 10 court days after entry of this order.

9 Dated this 2nd day of November, 2020.

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13 JAMES L. ROBART
14 United States District Judge
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